

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 564

Introduced by Assembly Member Eggman

February 24, 2015

An act to amend Section 4784 of the Welfare and Institutions Code, relating to developmental services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as amended, Eggman. Regional centers: parental fees.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is required to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law requires the Director of Developmental Services to establish, annually review, and adjust as needed, a schedule of parental fees for services received through the regional centers.

Existing law provides that all parental fees collected by or for regional centers are remitted to the State Treasury to be deposited in the Program Development Fund, a continuously appropriated fund.

This bill would require the Director of Developmental Services to account for major unusual expenses in establishing the amount of the parental fee, and to adjust the parental fee schedule for the level of annual gross income and the number of persons living in the family home. To the extent fees are increased by this adjustment, this bill would make an appropriation. This bill would also authorize a parent to appeal

the parental fee determination and would require the department to consider *specified* information ~~regarding the parent's ability to pay~~ when evaluating the appeal.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4784 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 4784. (a) The Director of Developmental Services shall
- 4 establish, annually review, and adjust as needed, a schedule of
- 5 parental fees for services received through the regional centers.
- 6 Effective July 1, 2009, this schedule shall be revised to reflect
- 7 changes in economic conditions that affect parents' ability to pay
- 8 the fee, but not to exceed an inflationary factor as determined by
- 9 the department.
- 10 (b) The parental fee schedule established pursuant to this section
- 11 shall be exempt from Chapter 3.5 (commencing with Section
- 12 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- 13 (c) In establishing the amount parents shall pay, the director
- 14 shall take into account all of the following factors:
- 15 (1) The current cost of caring for a child at home, as determined
- 16 by the most recent data available from the United States
- 17 Department of Agriculture's survey on the cost of raising a child
- 18 in California, adjusted for the Consumer Price Index (CPI) from
- 19 the survey date to the date of payment adjustment.
- 20 (2) Medical expenses incurred prior to regional center care.
- 21 (3) Whether the child is living at home.
- 22 (4) Parental payments for medical expenses, clothing,
- 23 incidentals, and other items considered necessary for the normal
- 24 rearing of a child.
- 25 (5) Transportation expenses incurred in visiting a child.
- 26 (6) Major unusual expenses, including, but not limited to,
- 27 expenses caused by a natural disaster, catastrophic uninsured loss,
- 28 or significant recent medical expenses.
- 29 (d) The parental fee schedule shall exempt families with an
- 30 income below the federal poverty level from assessment and
- 31 payment of the parental fee.

1 (e) The parental fee schedule shall be adjusted for the level of
2 annual gross income and the number of persons living in the family
3 home.

4 (f) (1) The adjusted fee shall be assessed in full for children
5 when the out-of-home placement commences on or after July 1,
6 2009.

7 (2) For children placed out-of-home prior to July 1, 2009, the
8 department shall determine the increase in the parental fee above
9 the amount assessed using the fee schedule in effect on June 30,
10 2009. This fee increase shall be implemented over three years,
11 with one-third of the increase added to the fee on July 1, 2009,
12 one-third of the increase added to the fee on July 1, 2010, and the
13 final third added to the fee on July 1, 2011.

14 (g) Notwithstanding any other law or regulation, commencing
15 July 1, 2009, all fees collected shall be remitted to the State
16 Treasury to be deposited as follows:

17 (1) Fees collected up to the amount that would be assessed using
18 the fee schedule in effect on June 30, 2009, shall be deposited into
19 the Program Development Fund established in Chapter 6
20 (commencing with Section 4670) to provide resources needed to
21 initiate new programs, consistent with approved priorities for
22 program development in the state plan.

23 (2) Fees collected using the July 1, 2009, schedule that are
24 greater than the amount that would have been assessed using the
25 fee schedule in effect on June 30, 2009, shall be deposited into the
26 Program Development Fund and shall be available for expenditure
27 by the department to offset General Fund costs.

28 (h) The following apply to the imposition of a parental fee under
29 this section:

30 (1) A parent may appeal the department's determination of the
31 amount the parent is required to ~~pay~~. *pay pursuant to regulations*
32 *established by the department*.

33 (2) The department shall consider the same information
34 regarding a parent's gross income and the factors listed in
35 subdivision (c) when considering an appeal of a parental fee
36 determination.

- 1 (3) If a parental fee is adjusted as a result of an appeal, the
- 2 amount of the adjusted parental fee imposed shall be determined
- 3 in accordance with the parental fee schedule.

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